

FENWICK & WEST LLP

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FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: July 23, 2004

CLIENT-MATTER NO.: 20662-07121/US

Client Ref. No. 200305089-2

NAME NAME	Fax No.	PHONE NO.
USPTO	(703) 872-9306	

FROM:

Daniel R. Brownstone

Reg. No. 46,581

PHONE:

(415) 875-2358

SENT BY:

Tracie Brooks

PHONE:

(415) 875-2482

NUMBER OF PAGES WITH COVER PAGE: 6

ORIGINAL WILL NOT FOLLOW

MESSAGE:

Application No.: 09/898,497 Filing Date: July 5, 2001

> Please See The Attached NOTICE OF APPEAL

> > A1000/00103/SF/5121030.1

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR THEIR DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF THEY ARE NOT CLEAR, DI FASE CALL Tracia Rronks AT (415) 875-2482 AS SOON AS POSSIBLE. PAGE 1/6 * RCVD AT 7/23/2004 9:48:04 PM (Eastern Daylight Time) * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:+14153950879 * DURATION (mm-ss):03-00

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0001/PTO U.S. Department of Rev. 10/95 Patent and Trade		Apı	plication Number	09/898,497			
		Filis	ng Date	July 5, 2001			
TRANSMITTAL FOR	M	Fire	st Named Inventor	Hirohisa A. Tanaka			
(to be used for all correspondence during pe filed application)	endency of	Gro	oup Art Unit Number	3627			
·		Exa	aminer Name	James McClellan			
Total Number of Pages in This Submission	5	Att	omey Docket Number	20662-07121			
ENCL	COLIBER	/2	hook all that anni	4			
	OSURES	(0)	heck all that apply Issue Fee Transi				
Fee Transmittal Form (in duplicate) Check Enclosed			=				
		·	Letter to Chief Dr	•			
Return Receipt Postcard			Formal Drawing(·			
Response to Notice to File Missing Par				i) of Figure(s) [] cation to Board of Appeals and			
Assignment & Recordation Cover Shoe Declaration	ı	- !	Interferences	Calculation board of Appendix units			
Power of Attorney	•		Appeal Communication to Group				
Application Data Sheet			(Appeal Notice, Brief, Reply Brief)				
Information Disclosure Statement & PT	O/SB/08A		Certified Copy of Priority Document(s)				
Copies of IDS Cited Reference			After Allowance Communication to Group				
Request for Corrected Filing Receipt			Fax cover sheet				
Request for Correction of Recorded As	signment						
Amendment/Response: [] Page(s)			<u> </u>				
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Status Request	•		 				
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REMARKS:							
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Signature:							
Attorney/Reg. No.: Daniel R. Brownstone, Reg. No. 46,581 Dated: 23 Dik 7 Cock							
CERTIFICATE OF FACSIMILE TRANSMISSION							
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.							
Signature:	12 6	<u> </u>					
Typed or Printed Name: Daniel R. Brow	nstone, Reg	g. No	. 46,581	Dated: 23 11 2004			
Facsimile Number:	1-703-872-9	306		- 0 1-			

PATENT

IN THE UNITED STATES

RECEIVED
CENTRAL FAX CENTER

PATENT AND TRADEMARK OFFICE

JUL 2 3 2004

OFFICIAL

APPLICANT(S):

HIROHISA A. TANAKA

APPLICATION NO.:

09/898,497

FILING DATE:

JULY 5, 2001

TITLE:

METHOD AND APPARATUS FOR LOCATION-

SENSITIVE, SUBSIDIZED CELL PHONE BILLING

EXAMINER:

MCCLELLAN, JAMES S.

GROUP ART UNIT:

3627

ATTY, DKT. NO.:

20662-07121

Γ	CERTIFICATE OF FACSIMILE TRANSMISSION								
	I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.								
ľ	Signature:								
	Typed or Printed Name: Daniel R. Brownstone, Reg. No. 46,581 Dated: 33 34420								
1	Facsimile Number:	1-703-872-9306	9 00 .						

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COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

NOTICE OF APPEAL

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner, mailed February 27, 2004, finally rejecting claims 1-33.

Pursuant to 37 CFR § 1.17(e), enclosed is payment in the amount of \$ 165.00 (small entity) for the filing of the Notice of Appeal.

Respectfully submitted,

HIROHISA A. TANAKA

Dated: 23 July 2004

Daniel R. Brownstone Reg. No.: 46,581

Fenwick & West LLP Silicon Valley Center 801 California Street

Mountain View, CA 94041

Tel.: (415) 875-2358 Fax.: (650) 938-5200

20662/07121/SF/5125358. 11

+14153950879

FEE TRANSMITTAL Filing Date for FY 2004 Patent fees are subject to annual revision.

Applicant daims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 375.00

Complete if Known 09/898,497 Application Number July 5, 2001 Hirohisa A. Tanaka First Named Inventor J.S. McClellan Examiner Name 3627 Art Unit 20662-07121 Attorney Docket No.

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)					
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None ☐ Doposit Account:	3. ADDITIONAL FEES					
Deposit Account Number 19-2555		ntity	Small I	Entity	Fee Description	Fee Paid
Deposit Account Name Fenwick & West LLP	Fee	Fee	Foo	Fee		
The Commissioner is authorized to: (check sil that apply)	Code 1051	(\$) 130	2051	(\$) 65	Surcharge - late filing fee or oath	
The Commissioner is authorized to: (check oil that apply) Charge fee(s) indicated below Credit any overpayments	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
Charge all required fee(s) or any underpayment of fee(s) due	1053	130	1053	130	Non-English specification	
under 37 CFR §1.16 or §1.17 during the pendancy of this	1812	2.620	1812	2,620	For filing a request for ex parte reexamination	
application	1804	920*	1804	920*	Requesting publication of SIR prior to Exeminer action	
Charge fee(s) indicated below, except for the filing fee		1,840*		1,840*	Requesting publication of SIR after Examiner action	
to the above-identified deposit account.						
FEE CALCULATION	1251	110	2251	55	Extension for raply within first month	A10.53
1. BASIC FILING FEE	1252	420	2252	210	Extension for reply within second month	210.00
Largo Entity Small Entity	1253	950	2253	475	Extension for reply within third month	
Fee Fee Fee Fee Fee Description Fee Paid	1254	1,480	2254 2255	740 1.005	Extension for reply within fourth month Extension for reply within lifth month	
Gode (\$) Code (\$)	1255 1401	2,010 330	2401	185	Notice of Appeal	165.00
1001 770 2001 385 Utility filing fee	1402	330	2402	165	Filing a brief in support of an appeal	
1002 340 2002 170 Cosign ming res	1403	290	2403	145	Request for oral hearing	
1004 770 2004 385 Reissue filing fee	1451	1,610	1451	1,510	Petition to institute a public use proceeding	\vdash
1005 160 2005 80 Provisional filling fee	1452	110	2452	55	Petition to revive - unavoidable	
SUBTOTAL (1) (\$)	1463	1,330	2453	665	Pedition to revive - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,330	2501	685	Utility issue fee (or reissue)	
Extra Claims Fee from Fee Paid	1502	480	2502	240	Design issue fee	<u> </u>
Total Claims -20**- x	1503	840	2503	320	Plant issue fee	
Independent 300 = X = =	1460	130	1460	130	Petitions to the Commissioner	
Multiple Dependent =	1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
Large Entity Small Entity	1806	180	1806	180	Submission of Information Disclosure Strnt	
Fee Fee Fee Fee Pescription	8021 .	40	8021	40	Recording each patent assignment per property (times number of properties)	
Code (5) Code (5) 1202 18 2202 9 Claims in excess of 20	1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1201 86 2201 43 Independent claims in excess of 3	1810	770	2810	385	For each additional Invention to be examined (37 CFR 1.129(b))	
1203 290 2203 145 Multiple dependent claim, if not paid	1801	770	2801	385	Request for Continued Exemination (RCE)	
1204 86 2204 43 **Raissue independent claims over	1802	800	1802	900 ′	Request for expedited examination of a design application	
original patent			i 		approace.	
1205 18 2206 9 **Reissue claims in excess of 20 end over original patent	Other fe	ee (specil	Y)			
SUBTOTAL (2) (\$)	1		-		SUBTOTAL (3) (\$) 375.	00
-or number previously paid, if greater, For Relsausa, see abovo	Redure	ed by Basi	k Filma f	es Paid		
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SUBMITTED BY					Complete (if applicable)	
Name (Print/Type) Daniel R. Brownstone			tration N		5,581 Telephone (415) 875-235	8
Daniel II. Digitalione		I {Attorr	nev/Acci	1U I ''		

SUBMITTED BY	<u> </u>				Complete (if applicable)
Name (Print/Type)	Daniel R. Brownstone	Registration No. (Attorney/Agent)	46,581		Telephone (415) 875-2358
Signature	100	B-87		Date	23 May 2004
		4			

20662-07121

TOTAL AMOUNT OF PAYMENT (\$) 375.00

FEETRANSMITTAL Application Number 09/898,497 Filing Date July 5, 2001 First Named Inventor Hirohisa A. Tanaka Patent fees are subject to annual revision. Applicant claims small entity status. See 37 CFR 1.27 Complete if Known Application Number 09/898,497 Filing Date July 5, 2001 First Named Inventor Hirohisa A. Tanaka Examiner Name J.S. McClellan Art Unit 3627

Attorney Docket No.

METHOD OF PAYME	NT (check all that apply)	FEE CALCULATION (continued)					
☐ Check ☐ Credit Card ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Money Order C Other None	3. AE	ADDITIONAL FEES				
Deposit Account Number 19-2555		Fowe	Entity	Small	Eutity	Fee Description	Fee Paid
Deposit Account Name	Fenwick & West LLP	Fee Code	Fee (\$)	Fee Code	Fee (\$)		
	prized to: (check all that apply) pelow Credit any overpayments	1051 1052	130 50	2051 2052	65 25	Surcharge - late filing fee or oath Surcharge - late provisional filing fee or cover sheet	
Charge all required fee(s under 37 CFR §1.16 or §	o) or any underpayment of foe(s) due 1.17 during the pendency of this	1053 1812	130 2,520	1053	130 2,520	Non-English specification For filing a request for ex parte reexamination	
application Charge fee(s) indicated to	below, except for the filing fee	1804	920*	1804	920-	Requesting publication of SIR prior to Examiner action	
to the above identified deposi	it account.	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
	ALCULATION	1251	110	2251	55	Extension for reply within first month	
1. BASIC FILING FEE		1252	420	2252	210	Extension for reply within second month	210.00
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Fee Fee Fee Fee	Fee Description Fee Pald	1254	1,480	2254 2255	740 1,005	Extension for reply within fifth month	
Code (\$)	11000	1255 1401	2,010 330	2401	1,005	Notice of Appeal	185.00
1001 770 2001 385	Utility filing fee	1401	330	2401	165	Filing a brief in support of an appeal	
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1004 770 2004 385 1005 160 2005 80	Provisional (ling fee	1452	110	2452	55	Petition to revive - unavoidable	
1005 160 12005 60 SUBTOT	(@\ <u>'</u> ''')	1453	1,330	2453	665	Petition to revive - unintentional	
2 EYTPA CLAIM EEES	FOR UTILITY AND REISSUE	1501	1,330	2501	665	Utility issue fee (or relssue)	
	Fee from San Call	1502	480	2502	240	Design issue fee	
Total Claims -20*-	X = Casimis below = Carpail	1503	640	2503	320	Plant issue foe	
Independent 3 -3 = Claims	× = =	1460	130	1460	130	Petitions to the Commissionar	
Multiple Dependent	=	1807	50	1807	50	Processing (so under 37 CFR 1.17(g)	\vdash
Large Entity Small Entity		1806	180	1806	180	Submission of Information Disclosure Stmt	
Fee Fee Fee Fcc Code (\$) Code (\$)	Fee Description	8021	. 40	8021	40	Recording each patent assignment per property (times number of properties)	
1202 15 2202 9	Claims in excess of 20	1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1201 88 2201 43	Independent claims in excess of 3	1810	770-	- 2810	385 .	For each additional invention to be examined (37 CFR 1.129(b))	
1203 290 2203 145	Multiple dependent claim, if not paid	1801	770	2801	385	Request for Continued Examination (RCE)	
1204 86 2204 43	**Reissue Independent daims over original palent	1802	900	1802	900	Request for expedited examination of a design application	
1205 18 2205 9	**Reissue claims in excess of 20 and over original patent	Other	fee (spcci	آر)	_		
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SUBTO					SUBTOTAL (3) (\$) 375.	00	
or number previously paid, if	greater, For Reissues, see above	Redu	ced by Bas	ic Filing f	ee Paid		
						Complete (if applicable)	
SUBMITTED BY Name (Print/Type)	Decial P. Brownstons			tration N		,581 Yelephone (415) 876-235	
	Daniel R. Brownstone	7	(Atton	ney/Ager	10] +0	Duta _	
Signature	1)	. <i>V</i>	<u> </u>	X		1 23 (Nur)	2004

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

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APPLICANT(S):

HIROHISA A. TANAKA

APPLICATION NO.:

09/898,497

FILING DATE:

JULY 5, 2001

TITLE:

METHOD AND APPARATUS FOR LOCATION-

SENSITIVE, SUBSIDIZED CELL PHONE BILLING

EXAMINER:

MCCLELLAN, JAMES S.

GROUP ART UNIT:

3627

ATTY. DKT. NO.:

20662-07121

Γ		CERTIFICATE OF FACSIMILE TRANSMIS	SION				
ľ	Liberary centify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimilo to						
۱	Commissioner for Patents at the facsimile number indicated below.						
l	Signature:	> -1212 Y					
l	Typed or Printed Name:	Daniel R. Brownstone, Reg. No. 46,581	Dated: 23 Jul 10001				
l	Facsimile Number:	1-703-872-9306					

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ALEXANDRIA, VA 22313-1450

INTERVIEW SUMMARY

Applicant's representative Daniel R. Brownstone, Reg. No. 46,581 and Examiner James S. McClellan had a telephonic interview on May 25, 2004 regarding the above-referenced application. No exhibits were shown. Claim 1 and prior art by Owensby were discussed. Agreement with respect to the claims was not reached.

Respectfully submitted, HIROHISA A. TANAKA

Dated: 23 July 1004.

Daniel R. Brownstone Reg. No.: 46,581

Fenwick & West LLP Silicon Valley Center 801 California Street Mountain View, CA 94041

Tel.: (415) 875-2358 Fax.: (650) 938-5200

20662/07121/DOCS/1453411. 11